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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 22, 2001

00-258/

By Hand

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, S.W.
Room TW A325
Washington, DC 20554

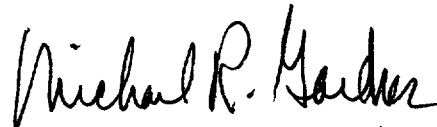
Re: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum
Below 3 GHz for Mobile and Fixed Services to Support the Introduction
of New Advanced Wireless Services, including Third Generation Wireless
Systems

Dear Ms. Salas:

On behalf of the Universal Wireless Communications Consortium(UWCC)
enclosed are the original and four copies of the UWCC's Comments in ET Docket No.
00-258.

Should you have any questions regarding this filing, please do not hesitate to
contact me.

Sincerely,



Michael R. Gardner
Washington Counsel for UWCC

Enclosures

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FEB 22 2001

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

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Amendment of Part 2 of the Commission's Rules to)
Allocate Spectrum Below 3 GHz for Mobile and)
Fixed Services to Support the Introduction of New)
Advanced Wireless Services, including Third)
Generation Wireless Systems)
_____)

ET Docket No. 00-258

**COMMENTS OF UNIVERSAL WIRELESS COMMUNICATIONS CONSORTIUM
(UWCC)**

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February 22, 2001

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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_____)

ET Docket No. 00-258

COMMENTS OF UNIVERSAL WIRELESS COMMUNICATIONS CONSORTIUM

SUPPORTING THE FCC'S ALLOCATION OF ADDITIONAL 3G SPECTRUM

The Universal Wireless Communications Consortium (UWCC), a Bellevue, Washington-based international consortium of more than 100 wireless carriers and vendors supporting the deployment of TDMA-EDGE¹ and WIN technology standards around the globe, submits these Comments in response to the Commission's Notice of Proposed Rulemaking (3G NPRM) wherein the Commission outlines several options for the allocation of additional third generation (3G) wireless spectrum as identified at

¹TDMA-EDGE refers to the wireless technology promoted by the UWCC member companies and includes the currently available second generation (2G) Time Division Multiple Access technology as well as the EDGE third generation (3G) technology.

the ITU's WRC-2000 Conference.² The UWCC Board member companies, which include AT&T Wireless Services, Cingular Wireless, Hughes Network Systems, Lucent Technologies, Motorola, Industry Digital PCS and Compaq Computer Corporation, applaud the Commission's timely commencement of a Rulemaking to identify and allocate additional spectrum from the 1.7 GHz and/or 2.5 GHz bands for International Mobile Telecommunications 2000 (IMT 2000) 3G services.

Discussion

UWCC member companies currently provide TDMA-*EDGE* based digital wireless services to 53.5 million subscribers worldwide, including 27.3 million subscribers in North America. In Latin America, where TDMA-*EDGE* usage has increased 121% in the past year, TDMA-*EDGE* is the dominant wireless technology serving 24.1 million subscribers.

The UWCC believes that wireless consumers in the United States as well as potential global consumers of U.S. developed 3G services, will be adversely impacted if the Commission's 3G NPRM does not result in the prompt allocation of 3G spectrum

² Since various UWCC member companies will comment separately on options outlined in the 3G NPRM, the UWCC focuses these Comments on the critical need for a complete record in this proceeding if the FCC is to be adequately informed about possible scenarios in the public interest for allocating 1.7 GHz and 2.5 GHz spectrum for 3G purposes.

that can be used in a harmonized, spectrum efficient fashion both within the United States and in the rapidly expanding global wireless marketplace.

In the United States, where more than 100 million consumers are currently using wireless phones, the growth in the wireless marketplace is driven by the fierce competition amongst U.S. based wireless operators. This robust competition is derived in part from multiple wireless standards that afford U.S. consumers new competitive wireless service offerings at ever diminishing prices.

In launching its 3G NPRM, the Commission has repeatedly acknowledged the importance of the 3G wireless industry to U.S. consumers:

"The United States wireless industry, a leader in the development and implementation of advanced wireless technologies, has expeditiously provided the latest innovations to U.S. consumers. To maintain this position and remain at the forefront of technological change, the U.S. wireless industry must continue to grow . . . The Commission noted in the *Fifth Competition Report* that only about two percent of mobile traffic is currently data, but that substantial growth is expected in the near future. In fact, the *Fifth Competition Report* points to one forecast that wireless data subscribers will outnumber

wireline data subscribers by 2002 and another that predicts at least \$35-\$40 billion in revenues by 2007—an annual growth rate of 25 to 30 percent—and 100 million subscribers using some form of mobile data.”³

The Commission also stated in the 3G NPRM that . . . “to ensure that the United States remains at the forefront of the development of wireless technology and the provision of wireless services, the Commission must implement policies that continue to foster new developments.”⁴

Presuming that the Commission’s 3G NPRM results in the allocation of additional 3G spectrum, there are several important public interest benefits that will result from the utilization of harmonized global spectrum for the provision of 3G services. These include affording U.S. consumers’ access to a greater array of 3G services that will be more affordable due to global economies of scale, and insuring U.S. consumers’ unfettered ability to globally roam on multi-band, multimode wireless hand sets.

³ See *Notice of Proposed Rulemaking*, FCC 00-455 released January 5, 2001, paragraph 15.

⁴ See *Notice of Proposed Rulemaking*, FCC 00-455 released January 5, 2001, paragraph 18.

While these and other important public interest and consumer benefits are predictable byproducts of the Commission's allocation of additional 3G spectrum, realizing those significant consumer benefits depends at the outset on the Commission's ability to make an informed and timely determination regarding the actual current and probable future consumer services rendered by incumbent licensees of the 2.5 GHz spectrum, as well as the relocation possibilities in regard to federal government incumbents of the 1.7 GHz band.

In this regard, the UWCC salutes the Commission's staff for their substantial and timely efforts as reflected in the issuance of the Interim Report of November 15, 2000, the release of the 3G NPRM on January 5, 2001, and the FCC staff's vigilance in attending countless industry meetings over the past five months focusing on the allocation of 3G spectrum in the 1.7 GHz and 2.5 GHz bands. While the FCC has been dedicated to this effort, the UWCC, nonetheless, remains troubled that the Commission's ability to responsibly allocate additional 3G spectrum from either the 1.7 GHz band or the 2.5 GHz band may be adversely impacted due to the slow pace of discussions with federal government users of the 1.7 GHz band and the lack of meaningful progress in deliberations with incumbent users of the 2.5 GHz band. In the case of federal government incumbents of the 1.7 GHz band, while Department of Defense (DoD) officials have participated actively in numerous industry meetings

during the past several months, those discussions have not yet produced enough information about possible sharing and/or relocation scenarios that would allow the band, or a portion of it, to be made available for 3G services. In the case of incumbent licensees in the 2.5 GHz band, the Commission's ability to determine which portion of the 2.5 GHz band may be suitable for 3G allocation could be severely frustrated by the continued failure of incumbent licensees of that spectrum to provide the necessary hard data about current and future services provided by 2.5 GHz spectrum licensees and those entities that have, in many cases, leased substantial spectrum from incumbent licensees of the 2.5 GHz spectrum.

In commencing the 3G NPRM, the Commission explicitly confirmed its fundamental need for a full and reliable formal record, . . . "we expect that the record developed in response to this NPRM will inform our decisions on the amount of spectrum to allocate or designate from each candidate band for advanced wireless systems."⁵

Notwithstanding the Commission's legitimate expectation that all interested parties would fully cooperate with the goal of developing a comprehensive record

⁵See *Notice of Proposed Rulemaking*, FCC 00-455 released January 5, 2001, paragraph 25.

which would inform the Commission as well as the affected parties, efforts to date to secure hard information through industry discussions generally have been unsuccessful. As the FCC staff itself has observed at numerous lengthy industry meetings held over the past several months, it is clear that many incumbent 2.5 GHz licensees are reluctant to candidly discuss and document current and projected consumer benefits being provided by these licensees.⁶ Likewise, in regard to the FCC's and the NTIA's collective deliberations regarding the best use, from a public interest perspective, of the 1.7 GHz band, the FCC staff who participated in recent industry-led discussions that included DoD officials, saw firsthand the limited progress made to date in evaluating sharing and relocation possibilities involving incumbents in the 1.7 GHz spectrum. The tedious pace of deliberations in considering relocation options involving the 1.7 GHz band is particularly troublesome in view of the compelling public interest benefits that could be derived for U.S. consumers' access to 3G services licensed in the 1.7 GHz band. In this regard, NTIA, in its November 15, 2000 Interim Report, confirmed that: "Any 3G service that is targeted to mobile users

⁶While the UWCC is hopeful that the necessary data will be contained in comments filed on February 22, 2001 by federal government incumbents of the 1.7 GHz band and incumbent licensees of the 2.5 GHz band, the UWCC is concerned, based on the industry-led 3G meetings to date, that there will continue to be the absence of vital information in the record about current and prospective usage of spectrum in the 1.7 GHz and 2.5 GHz bands.

is most effectively provided by taking advantage of the properties of radio waves operating below 3 GHz.”⁷

In the case of the FCC’s possible reallocation of 2.5 GHz spectrum for 3G services, there are numerous threshold questions which must be answered candidly in the 3G NPRM record before the FCC can make an informed decision in the public interest regarding the allocation of 3G spectrum from the 2.5 GHz band. These questions include:

- What percentage of ITFS licensed spectrum is being used for commercial, non-educational purposes?
- What are the actual current uses of ITFS licensed spectrum?
- What are the planned, near term buildout schedules of the 2.5 GHz licensees?
- What are the projected relocation costs for currently deployed systems and prospective systems in the 2.5 GHz band?

Without reliable answers to these and other essential questions dealing with the current and possible future uses of the 2.5 GHz band, the Commission can only speculate regarding the attendant costs and consumer impact from the various options

⁷See *Federal Operations in the 1755-1850 MHz Band: The Potential for Accommodating Third Generation Mobile Systems*. Interim Report, U.S. Department of Commerce, NTIA. November 15, 2000, Pages 7 and 8.

it discusses in its 3G NPRM. Moreover, without more complete data about the possibilities for sharing the band and the real costs of relocating government services currently deployed in the 1.7 GHz band, the Commission cannot reasonably balance the important consumer benefits and additional public interest considerations attendant to the allocation of some portion of the 1.7 GHz and 2.5 GHz bands for harmonized global 3G services.

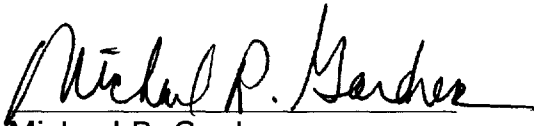
Conclusion

Based on the Commission's legitimate expectation for full disclosure of the important data in the FCC's record in the 3G NPRM proceeding, the UWCC urges the Commission to take all appropriate measures necessary in the near term to insure that current licensees of the 2.5 GHz band who do not voluntarily provide the necessary data in the record, do so promptly, and in no case, later than March 9, 2001, the date for Reply Comments in the 3G NPRM. Likewise, the UWCC urges the FCC to continue to work closely with officials throughout the federal government to facilitate a productive dialogue about the possibilities for sharing and/or the sensible and timely relocation of appropriate federal services from the 1.7 GHz band. Without meaningful progress in the near term in this regard, the Commission and the U.S. wireless industry will simply be unable in a timely fashion, to objectively evaluate the actual and potential availability of 3G spectrum, the real cost of relocation, and the real and

potential consumer benefits from the reallocation of the 1.7 GHz and the 2.5 GHz spectrum licensees. Without this hard data in the record of the 3G NPRM, the availability of affordable 3G services for U.S. consumers — an important public interest goal amply recognized by the Commission in this proceeding, will become an unfulfilled promise.

Respectfully submitted,
The Universal Wireless Communications Consortium

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February 22, 2001

CERTIFICATE OF SERVICE

I, Esther R. Gabriel, hereby certify that on this day of February 22, 2001, copies of the foregoing "Comments in Support of Allocation of Additional 3G Spectrum" were provided by hand to following:

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